

Appln No. 09/694,079
Amdt date January 14, 2004
Reply to Office action of November 20, 2003

REMARKS/ARGUMENTS

Claims 26-28, 33-43, and 49-51 are currently pending. Claims 1-25, 29-32, and 44-48 have been canceled, and claims 26-28, 33-43, and 49-51 have been amended. The amendments find full support in the original specification, claims, and drawings. No new matter has been added. In view of the above amendments and remarks that follow, an early indication of allowance of claims 26-28, 33-43, and 49-51 are respectfully requested.

As an initial matter, the Examiner objected to the information disclosure statement (IDS) filed on December 12, 2001, because it did not include a copy of certain patents and publications. Applicant is submitting via certified mail a new IDS including the references that were not submitted in the prior IDS. It is respectfully requested that the Examiner return the form to the Applicant after initializing the references, thereby indicating that they were expressly considered by the Examiner.

Claims 15, 39, and 45 are rejected under 35 U.S.C. 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Claims 1-27 and 29-52 are rejected as being either anticipated or unpatentable over Kaiser et al. (U.S. Patent No. 5,615,408), Hidary et al. (U.S. Patent No. 5,774,664), Blackketter et al. (U.S. Patent No. 6,415,438), and/or Adams et al. (U.S. patent No. 5,541,662). The Examiner however, has indicated that claim 28 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Applicant has rewritten claim 28 in independent form to include all of the limitations of the base claim. Thus, Applicant submits that claim 28 is now in condition for allowance.

Applicant has canceled claims 1-25, 29-32, and 44-48 without prejudice, in order to pursue them in a continuation application.

Claims 26, 27, 33-43, and 49-51 have been amended so that they now depend, either directly or indirectly, on allowable claim 28. Claim 39 has also been amended to change its dependency to claim 37, thereby overcoming the rejection under 35 U.S.C. 112, second paragraph. These amendments were made for reasons unrelated to patentability.

In view of the above amendments and remarks, Applicant respectfully submits that claims 26, 27, 28, 33-43, and 49-51 are in condition for allowance, and a early notice of allowance is respectfully requested.

If there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,
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